

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CURTIS B. FISHER,

Plaintiff,

v.

BERNIE WARNER, DAN J. PACHOLKE,
MIKE OBENLAND,

Defendants.

CASE NO. C14-5474 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 24), and Plaintiff Curtis Fisher’s (“Fisher”) objections to the R&R (Dkt. 25).

On February 2, 2015, Judge Strombom issued the R&R recommending that the Court deny Fisher’s motion for summary judgment and grant Defendants Mike Obenland, Dan Pacholke, and Bernie Warner’s (“Defendants”) motion for summary judgment. Dkt. 24. On February 20, 2015, Fisher filed objections. Dkt. 25.

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

In this case, Fisher objects to Judge Strombom’s R&R with the same arguments that were presented to and rejected by Judge Strombom. The issue of law in this case is

whether it is a constitutional violation to preclude a visitor from being on two inmates' approved visitors lists when that visitor is not an immediate family member of both inmates. Fisher, and his fiancée Julia Scott, made numerous requests for an exception to the prison's rule that Ms. Scott is barred from being on both Fisher's approved visitors list and Ms. Scott's son's approved visitors list. Prison officials denied every request. Fisher eventually filed this civil rights action. Judge Strombom thoroughly addressed each of Fisher's constitutional claims and concluded that neither the prison's rule nor the prison officials' denials of Fisher's requests for an exception violated any constitutional right. Moreover, Fisher has failed to offer any reasonable alternatives that would result in only a *de minimus* burden on the institution. The Court finds no reason to add any further analysis to Judge Strombom's R&R. Therefore, the Court having considered the R&R, Fisher's objections, and the remaining record, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**;
- (2) Fisher's motion for summary judgment is **DENIED**;
- (3) Defendants' motion for summary judgment is **GRANTED**;
- (4) Fisher's *in forma pauperis* status is **REVOKED** for appeal; and
- (5) This action is **DISMISSED**.

Dated this 20th day of March, 2015.



BENJAMIN H. SETTLE
United States District Judge